

STATE OF INDIANA)
)
COUNTY HAMILTON)

SS:

IN THE HAMILTON CIRCUIT COURT

CAUSE NO. 29C01-0405-PL-646

STATE OF INDIANA,)

Plaintiff,)

v.)

EQUITY ACCELERATION, INC., and)
JOHN EVERETT DAVIS,)
individually and doing business as)
EQUITY ACCELERATION, INC.,)

Defendants.)

FILED
AUG 23 2014
Jenny Davis
CLERK OF THE
HAMILTON CIRCUIT COURT

DEFAULT JUDGMENT

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment Against Equity Acceleration, Inc. and John Everett Davis, individually and doing business as Equity Acceleration, Inc., and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendants, Equity Acceleration, Inc. and John Everett Davis.
2. The Defendants were served with notice of these proceedings and a copy of the Complaint for Injunction, Restitution, Civil Penalties, and Costs.
3. The Defendants have failed to appear, plead, or otherwise respond to the complaint.
4. The Defendant, John Everett Davis, is not an infant, incompetent, or in military service.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendants, Equity Acceleration, Inc. and John Everett Davis.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to Indiana Code § 24-5-0.5-4(c)(1), the Defendants, Equity Acceleration, Inc. and John Everett Davis, are permanently enjoined from engaging in the following:

- a. Representing expressly or by implication that the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have, which the Defendants know or reasonably should know it does not have; and
- b. Representing expressly or by implication that the Defendants are able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Defendants know or should reasonably know they could not.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is entered for the Plaintiff, State of Indiana, against the Defendants, Equity Acceleration, Inc. and John Everett Davis, as follows:

- a. The contracts previously entered into by the Defendants with consumers Allana Bourne, Joseph Caratenuto, Gheyas and Ghazala Iqbal, Arnold Ligtenberg, Benvindo Marques, Doug and Lynne Morra, Virginia Pollard, Paula Reynolds, Walter Morris and Patricia Walsh, are cancelled pursuant to Ind. Code § 24-5-0.5-4(d);
- b. The Defendants shall pay consumer restitution pursuant to Ind. Code § 24-5-0.5-4(c)(2), for Allana Bourne, in the amount of One Thousand Three Hundred Nine Dollars and Fifty-Four Cents (\$1,309.54), Joseph Caratenuto, in the amount of Two Thousand One Hundred Fifty-One Dollars and Eighty Cents (\$2,151.80), Gheyas and Ghazala Iqbal, in the amount of Two Thousand Nine Hundred Eighty-Six Dollars and Five Cents (\$2,986.05), Arnold Ligtenberg, in the amount of Two Thousand One Hundred Fifty-One Dollars and Eighty Cents (\$2,151.80), Benvindo Marques, in the amount of One Thousand Nine Hundred Twenty-Four Dollars and Ninety-Seven

Cents' (\$1,924.97), Doug and Lynee Morra, in the amount of Six Hundred Twenty-Four Dollars and Sixty-Five Cents (\$624.65), Virginia Pollard, in the amount of One Thousand Two Hundred Seventy-Eight Dollars (\$1,278.00), Paula Reynolds, in the amount of Two Thousand One Hundred Sixty Dollars (\$2,160.00), Walter Morris, in the amount of Two Thousand Five Hundred Eighty-Five Dollars and Twenty-Four Cents (\$2,585.24), Patricia Walsh, in the amount of Two Thousand Ninety-Seven Dollars and Sixty-One Cents (\$2,097.61), payable to the Office of the Attorney General;

c. The Defendants shall pay the Office of the Attorney General its costs in investigating and prosecuting this action, pursuant to Ind. Code § 24-5-0.5-4(c)(3), in the amount of One Thousand Seven Hundred Seventy-Seven Dollars and Forty Cents (\$1,777.40);

d. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for the Defendants' knowing violations of the Deceptive Consumer Sales Act, in the amount of Thirty-Two Thousand Dollars (\$32,000.00), payable to the State of Indiana; and

e. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-8 for the Defendants' intentional violations of the Deceptive Consumer Sales Act, in the amount of Thirty-Two Thousand Dollars (\$32,000.00), payable to the State of Indiana.

A total monetary judgment in the amount of Eighty-Five Thousand Forty-Seven Dollars and Six Cents (\$85,047.06) shall be entered in favor of the Plaintiff, the State of Indiana, and against the Defendants, John Everett Davis and Equity Acceleration, Inc.

ALL ORDERED, ADJUDGED AND DECREED on this 23 day of Aug,

2004.


Judge, Hamilton Circuit Court

Distribution:

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